

United States District Court
For The District of Washington
At Seattle

Echota Wolfclan

Plaintiff

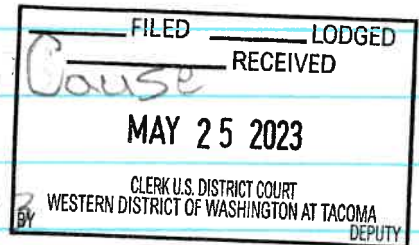
v.

Washington State
Pierce County Council

#3:23-cv-05399-RAS-GSL
Motion To

Show Cause

Rule 23



Plaintiff Echota C. Wolfclan, hereby Moves the Court to Show Cause why Class Certification would not be Appropriate, being that the officials of Pierce County and its Jail have deliberately violated the Fourteenth Amendment Substantive due Process Rights to Reasonable Safety, Adequate Shelter and Sanitation to its Pre-Trial detainees by failing to fix, cure or abate the unconstitutional living condition of the Jail's Toilet facilities and by failing to Provide Remedies to Clean Said Conditions.

However, the conditions are beyond the need of Cleaning Supplies, being that when a Pre-Trial Detainees has to use the Toilet provided by the Jail Facility and one flushes the Toilet in the adjoining Cell, that Person Anus and Genitals are Splashed with Raw Sewage Water.

FACTS

1. In 2012, two 1983 Complaints were filed with similar wording and identical to each-other, complaining

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about Toilets "Bubbling up" and "Back-Flushing". Although Plaintiff's failed to exhaust Remedies, Pierce County was put on Notice. See *Steele v. Kerr* 2012, U.S. Dist. LEXIS 28767 and Also *Meyer-Clemmons v. Kerr*, 2012 U.S. Dist. LEXIS 28798

However,

2. In 2014 Engineers conducted a Report with Respect to The Pierce County Main Jail and Ironically Reported that the Plumbing System was outdated and in need of Full Repair, Stating that the Pressure Valve Stays open, Causing Sewage to Back Flush into adjoining Cells that are Connected by the Plumbing. The Report Stated that it was every Toilet on the 3rd Floor. That is Three units that hold over 200 People.
3. In 2020, After being denied Grievances Multiple times, by a number of Sgt's and Deputies, Sgt Ake (now a Lieutenant) gave me a Grievance on 12-16-2020, Filed @ Pierce County Jail. After officials somehow lost my Grievance appeal in Transit;
4. I filed a 1983 Complaint on 1-25-2021 under Cause # 3:21-cv-05068-Jcc-SKV. That case went to Settlement."
5. On 1-28-2021, an email was generated between Pierce County Maintenance and Deputy Sgt Stating that an inmate was Complaining about toilets Back-flushing. The

Maintenance Replied that a Report was Conducted on the Jail a few years back but Pierce County wont Fund the Project.

Rule 23(a) Prerequisites

- (1) The Class is so numerous that joinder of all Members is impracticable;
- (2) There are questions of Law or Fact Common to the Class;
- (3) the Claims or defenses of the Representative Parties are typical of the Claims or defenses of the Class; and
- (4) The Representative Parties will fairly and adequately Protect the interest of the Class

Class Action Certification

1. All Persons who, now or at anytime in the future, are or will be detainees or Prisoners in the custody of the Pierce County Jail's 3 North, 3 West, 3 South and 3 East Units located in Pierce County Washington.
Injunction Class

2. All Persons who are or were detainees or Prisoners in the custody of Pierce County Sheriff's Dept. and housed in the Pierce County correction facilities 3 North, 3 West, 3 South, and 3 East Units located in Pierce County Washington, and who were or will be Released from Pierce County Correction facility on or after January 1st 2012.

Pierce County Detainees are forced to live in

Squalid, Unhygienic, and Hazardous living Conditions that Pose a Substantial and ongoing Risk to the Men & woman's Physical & Mental Health.

Pierce County Subjected its Detainees to a Severe and Persistent BackFlushing Problem and other Sewer issues at Pierce County Jail and Refusing to Provide cleaning Supplies to Clean and Sanitize areas Contaminated by Waste water.

Pierce County was and Still is Personally aware of the nature and extent of the Conditions and Personally Participated in said Deprivation by failing to Cure, abate or fix the Plumbing

A Prison Official is liable under the Eighth Amendment if She or he "knows of and disregards" an excessive risk to inmates health or Safety; The official Must both be aware of Facts from which the inference could be drawn that a Substantial Risk of Serious Harm exists, and he or She Must also draw the inference.

For years now, at least Since 2012 when Pierce County was Put on Notice in two 1983 Complaints, Officials have Forced its detainee's to live in unconstitutional Conditions

Every Deputy Correction officer named as Defendants, (Including, Captain, Lieutenant and Sgt's) I Plaintiff have Personally Spoken to about Said Conditions and these officials are fully aware of the Unconstitutional

Nature of Said Conditions.

Retaliation

Also, with respect to My AMENDED Complaint I Mailed 5-19-2023, officers have Searched My Person & Cell, taking all the Names and Booking #'s of the 15 or So "Class Members" and/or "Plaintiffs" who signed on to My 1st Complaint Filed 5-2-2023 and disposing of all Declarations and Statement's that were written on My behalf by those affected by the Squalid Conditions under the Guise "Policy", Stating That Policy Provides that inmates are not to have on their Person any names or Booking number of other individuals that are Currently Booked. They Threw away important Declarations and Documents For the Court.

Multi-Person Complaint "Not" Possible!


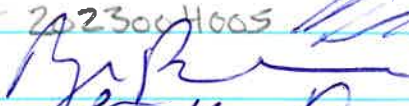
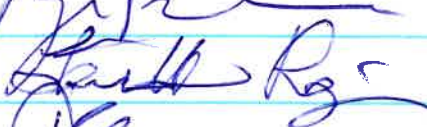


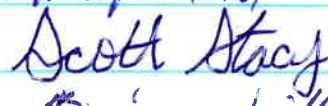
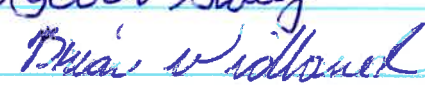
I was Moved from those "Plaintiffs" in 3 North A unit, on 5-6-2023, which Makes it impossible for Me to Provide Signatures for each individual;

However, I have 13 More individuals who would like to be added to Complaint in which Facts are Common to Class...

Additional Class Members

- 1 Adam Myles Hawkins 2023102026 *mylesH*
- 2 Brandon Rudolph 2022173025 *Brandon Rudolph*
- 3 Fresnel Williams 2022229020 *Fresnel Williams*
- 4 Timothy Alan Crow 2021273017 *Timothy Crow*
- 5 Sir Cedric Antonio Gardner 2023125015 *Sir Cedric A. Gardner*
- 6 Lawrence Edward Jones 2022320011 *Lawrence E. Jones*

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7. Wayne Richard Ausbuh Jr 20230611005 
8. Zakery Bonds 2022076004 
9. Timothy Rozier 2023053017 
10. Jacy Estes 2022180022 
11. Bismar Andres 2022128020 
12. Scott R. Stacy 2022209005 
13. Brian D. Widland Jr. 2022220013 

Because of the Counties Obsessive attacks on furthering My 1983 Complaints, and Seperating Me from Plaintiff's on Complaint Filed 5-2-2023, I do Believe a Joinder of all Plaintiff's including those named above would be fairly adequately Protected in Class Certification.

Under Penalty of Perjury;
I hereby declare that all things written in this Motion are True and Correct to the best of My ability.

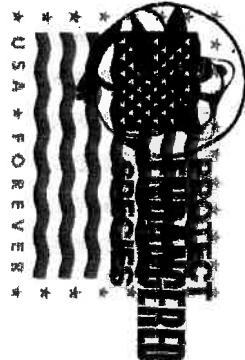
Signed 5-22-2023 at Pierce County Jail

Echota Wolfclan
Wolfclan Echota - 
20230941005

Inmate Name Echeta, Isidoro
Booking Number 2023094003
Pierce County Sheriff's Department
910 Tacoma Ave S
TACOMA WA 98402-2104

FILED	RECEIVED
MAY 25 2023	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA DEPUTY	

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